IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Crl. Misc. No. 53166-M of 2006

DATE OF DECISION : 30.11.2006

Vinod Singla

.... PETITIONER

Versus

State of Haryana

..... RESPONDENT

CORAM :- HON'BLE MR. JUSTICE SATISH KUMAR MITTAL

Present: Mr. Rajiv Sharma, Advocate,
for the petitioner.

Mr. S.S. Mor, Senior DAG, Haryana.

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Petitioner Vinod Singla has filed this petition under Section 439 of the Code of Criminal Procedure for the grant of regular bail in case FIR No. 74 dated 5.3.2006 registered at Police Station Kotwali, District Faridabad, under Sections 363/366/376/120-B/506 IPC.

2. I have heard counsel for the parties and gone through the contents of the FIR.

3. The aforesaid FIR was registered against the petitioner and three other persons, namely Ram Gopal, Mukesh and Sushma wife of Mukesh. It was alleged by the complainant that on 20.8.2005, she was called by Sushma at her residence on the pretext that the petitioner wants to see her. The complainant told her that at 11.00 A.M., she will go to Shubham Tower, Neelam Chowk, NIT, Faridabad for an interview. When the complainant went there, she came to know that the interview was postponed. When she was coming back, accused were standing on the road and from there, the complainant was abducted forcibly and was taken to the house of accused Mukesh and Sushma, where she was raped by the petitioner.

4. Counsel for the petitioner contends that the complainant had voluntarily married with the petitioner on 14.2.2005. She remained with the petitioner as his wife in his house at Bahadurgarh. Lateron, parents of the complainant took her to their own house on 22.8.2005 and thereafter, on a concocted version, the aforesaid FIR has been registered. Counsel for the petitioner further pointed out that subsequently, the complainant herself filed a petition under Section 12 of the Hindu Marriage Act for annulment of the marriage and that petition is still pending. Counsel further contends that the alleged incident took place on 20.8.2005, whereas the FIR was registered on 5.3.2006 after a lapse of more than six months. Counsel for the petitioner submits that in this case, the prosecutrix has already been examined as PW.7. The prosecution has also examined one Shri Jagdish Sharma as PW.3, who is the landlord, in whose house petitioner and the complainant resided after the marriage. Counsel contends that from the statements of these witnesses, it is clear that the complainant resided with the petitioner in a house at Bahadurgarh. He further contends that PW.3 Jagdish Sharma, the landlord, has categorically stated that the petitioner and complainant were residing as husband and wife. This witness has also stated that the complainant was even teaching his children. In view of these facts, counsel for the petitioner submits that it is a fit case, where the petitioner should be granted regular bail, as in case, he is released, he is not going to influence the prosecution witnesses, as some of the material witnesses have already been examined.

5. On the other hand, counsel for the respondent-State has opposed the prayer and submits that allegations against the petitioner are serious, therefore, bail should not be granted.

6. The petitioner is stated to be in custody since 12.3.2006 and the trial is not likely to conclude soon. Keeping in view the aforesaid facts, particularly, the petition filed by the complainant for nullity of her marriage, statements of the aforesaid two witnesses and the fact that the FIR was lodged after a delay of more than six months, I deem it appropriate to grant

regular bail to the petitioner and he is, accordingly, ordered to be released on bail subject to his furnishing bail bonds to the satisfaction of the trial court.

November 30, 2006 **(SATISH KUMAR MITTAL)**
ndj **JUDGE**